Supplement to Discipline Report

Wildlife, Fish, and Vegetation

Idaho 16 I-84 to Idaho 44 Environmental Study

Project Number: A009(963)

Key Number: 09963

Prepared for Idaho Transportation Department

March 2010





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Wildlife, Fish, and Vegetation

Introduction

This Supplement to the "Wildlife, Fish, and Vegetation" Discipline Report (CH2M HILL, 2008a) is prepared as part of the *Idaho 16*, *I-84 to Idaho 44 Environmental Study*.

The "Wildlife, Fish, and Vegetation" Discipline Report (CH2M HILL, 2008a), contains the technical analysis used to develop the *Draft Environmental Impact Statement (DEIS)*.

This supplement presents information that changed or was updated since the initial analyses. Together, the Discipline Report and this Supplement make up the complete wildlife, fish, and vegetation analysis, which was used to develop the *Final Environmental Impact Statement (FEIS)*.

Specific information that has changed or was updated includes the following:

• The proposed roadway alternatives were comprised of a four-lane divided highway with a 78-foot -wide open median for the Idaho 16 corridor, interchanges, local arterial roadways and local access roads (See Chapter 3, Section 3.2 of the DEIS). The alternatives included two independent bridges over the Boise River. The Idaho 16 right-of-way (ROW) corridor was approximately 300 feet wide with additional areas for interchanges and local roads. The ROW width at the Boise River crossing was 220 feet. Potential impacts to wildlife, fish, and vegetation were analyzed within these boundaries.

As part of developing the Preferred Alternative, refinements were made to the corridor design, including reduction of the 78-foot-wide median; modification of the Ustick Road, US 20/26, and Idaho 44 interchanges; and modifications to local roadways (Chapter 3, Section 3.4 of the *FEIS*). Only one bridge will cross the Boise River. The Idaho 16 ROW corridor remains approximately 300 feet wide; however, the interchanges areas are modified based on the design refinements. The ROW width at the Boise River crossing remains 220 feet. Potential impacts to wildlife, fish, and vegetation were analyzed within these boundaries, with the exception of the Boise River Crossing (Exhibit 1). The analysis for the Boise River crossing location is based on a bridge footprint of a 1,720-foot-long bridge that tapers from 96 feet wide at the south end of the bridge to 120 feet wide at the north end of the bridge.

- Slickspot peppergrass (*Lepidium papilliferum*) newly listed as Endangered under the ESA.
- Redaction of a draft "No Effect Letter" to the Federal Highway Administration (FHWA), included in Appendix B of the Discipline Report
- A new hydraulic mitigation area located in the vicinity of the Boise River crossing.

1

Affected Environment

Sensitive Wildlife

Three sensitive species would be affected by the construction-related activities of the alternatives including bald eagles, double-crested cormorants and Woodhouse's toads (*Bufo woodhousii*). The bald eagle and double-crested cormorants would be displaced from the immediate construction area during late fall, winter, and early spring. Such displacements would not constitute a "take" under the Migratory Bird Treaty Act. The refinements to the Preferred Alternative do not change the effects to these two species. The habitat for the Woodhouse's toad is located within the 300-foot-wide Idaho 16 ROW corridor that was analyzed as part of the Discipline Report. The refinements to the Preferred Alternative do not change the effects to Woodhouse's toad.

There would be no additional permanent impacts to these three species caused by the construction of the new hydraulics mitigation site.

Aquatic Resources

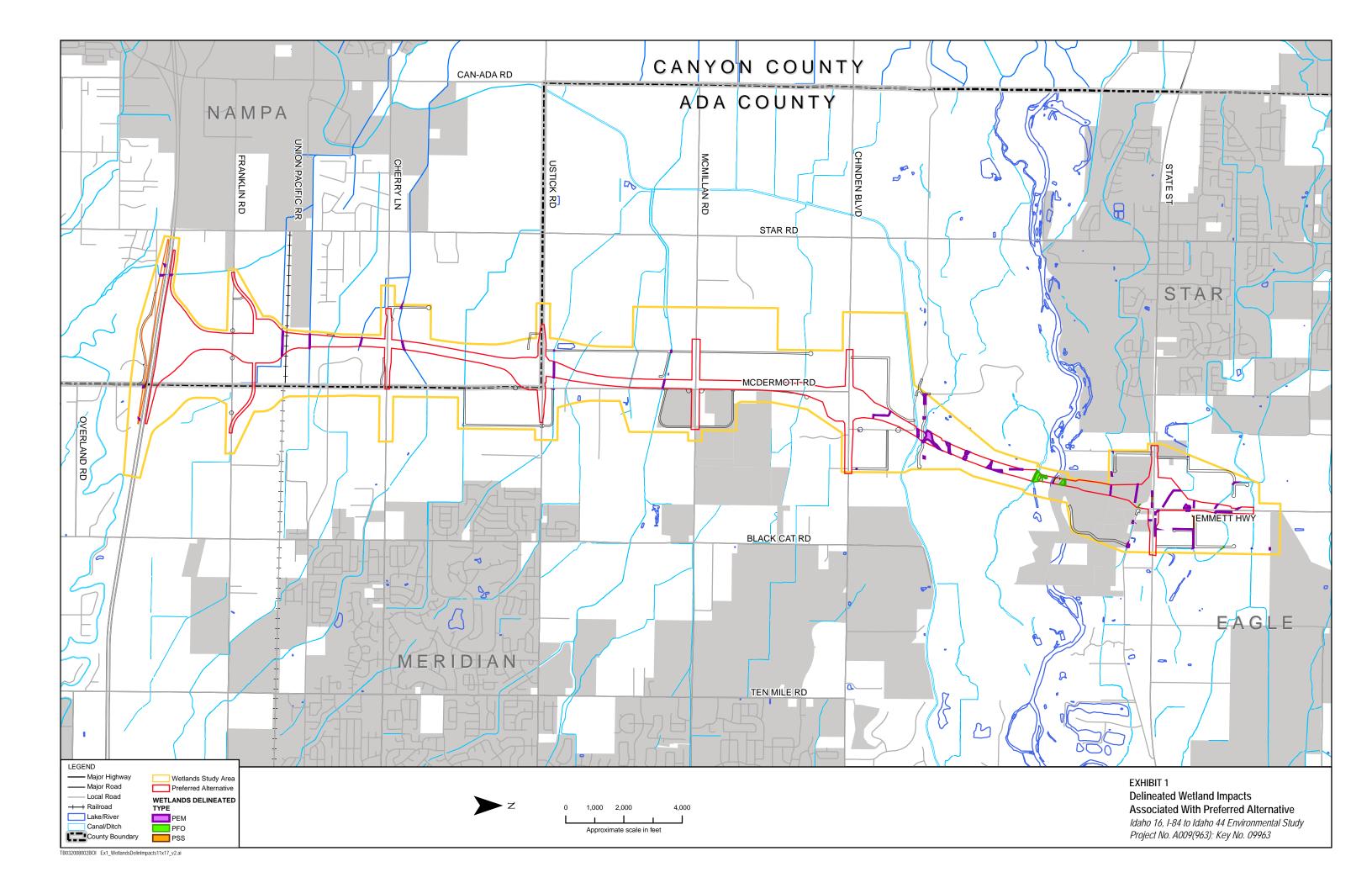
The alternatives analyzed in the Discipline Report would cause permanent impacts resulting from the construction of the two bridges including abutments, piers, and shaded areas caused by the bridge deck surface across the Boise River. Additional permanent impacts to the riparian corridor would occur from the removal of the established riparian corridor necessary for construction of the bridge and roadway.

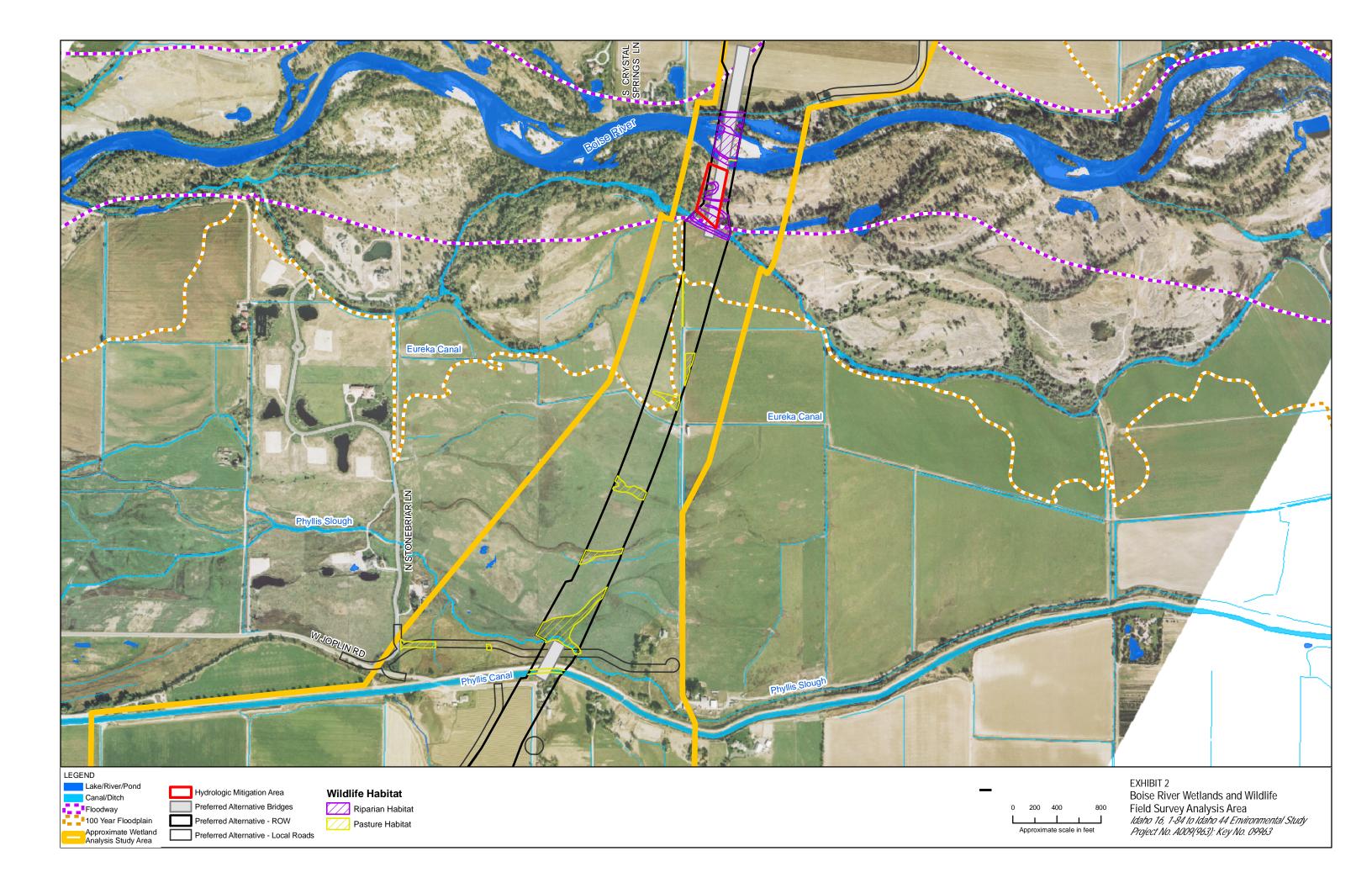
The approximate dimension of the two bridges analyzed in the Discipline Report are 1,870 feet long and 45.5 feet wide, with abutments at each end and six pier locations. The Preferred Alternative crosses the Boise River with one bridge with approximate dimensions of 1,720 feet in length and a width of 91.5 feet with abutments at each end and 10 pier locations. For the purpose of this analysis, a bridge footprint of a 1,720-foot-long bridge that tapers from 96 feet wide at the south end of the bridge to 120 feet wide at the north end of the bridge was used (Exhibit 2).

Additional permanent impacts to the riparian corridor would occur from the removal of the established riparian corridor necessary for construction the new hydraulics mitigation site.

Vegetation Resources

The Discipline Report analysis impacts to vegetation resources were based on a 300-foot corridor in combination with interchanges areas. A 220-foot ROW was used at the Boise River crossing location. The total area that would be impacted by the Project described in the Discipline Report is 260 acres. Refinements to the Preferred Alternative reduced the areas impacted by the proposed interchanges and analyzed a bridge footprint based on a 1,720-foot-long bridge that tapers from 96 feet wide at the south end of the bridge to 120 feet wide at the north end of the bridge. There are a few changes in acres of impact to habitats from refinements to the Preferred Alternative, as described in the Discipline Report.





Threatened and Endangered Species

Appendix A provides an updated list of species with Federally protected status for the Project area. Slickspot peppergrass (*Lepidium papilliferum*) was listed as Endangered by the U.S. Fish and Wildlife Service (USFWS) since the original Discipline Report was written. This plant species grows only in slick spots (bare clay openings) in sagebrush habitat. There is no habitat for this species in or near the Project area.

Refinements to the Preferred Alternative will not impact yellow-billed cuckoos (*Coccyzus americanus*), a candidate species for listing under the Endangered Species Act (ESA) in the Project Area.

A draft No Effect Letter to the Federal Highway Administration was provided in the original Discipline Report. It was subsequently determined that this letter was unnecessary, as no Biological Assessment was prepared. As a result, Appendix B in the Discipline Report should be redacted, as it no longer applies.

Environmental Consequences

Sensitive Wildlife

Refinements to the Preferred Alternative do not increase impacts to three sensitive species as analyzed in the Discipline Report. Total impacts to irrigated pasture, which is habitat occupied by Woodhouse toad (*Bufo woodhousii*), would be 19.2 acres under the Preferred Alternative. Impacts to this species from crossing the new roadway during the breeding would remain are expected to negatively impact the population.

Aquatic Resources

Table 1 provides changes in impact to aquatic habitats as a result of the Preferred Alternative. Both temporary and permanent impacts to lacustrine habitats are avoided under the Preferred Alternative. Lacustrine and riverine Type 1 impacts result in 0.7 acres of permanent impacts as a result of the Preferred Alternative.

TABLE 1Direct Aquatic Habitat for the Preferred Alternative

Metric	Preferred Alternative
Permanent Impacts (Acres)	
Lacustrine	0
Riverine Type 1	0.5
Riverine Type 2	0.2
Total Permanent Aquatic Habitat Impacts	0.7
Sensitive Aquatic Species Impacted	No

7

Vegetation

Implementation of the Preferred Alternative would result in the loss of between about 25.8 acres of relatively undisturbed vegetation within the Boise River flood plain (Table 2). Of this total, 19.2 acres are currently irrigated pasture and the rest consists of wetland and riparian communities. Riparian habitat impacts for the Preferred Alternative include 1.2 acres of riparian forest habitat and 0.1 acres of riparian shrub habitat. Modifications to the bridge structure will result in fewer impacts to vegetation resources.

The hydraulics mitigation site is 1.9 acres, but only a small increases in impacts to vegetated habitat will occur. Details of hydraulic impacts are available in the "Surface Water" Discipline Report and Supplement and "Wetlands" Discipline Report and Supplement (CH2M HILL, 2009a; 2009b; 2008b, 2008c). Table 2 includes the revised impact changes to vegetation resources for the Preferred Alternative and the hydraulic mitigation site.

There are no anticipated increases in temporary impacts caused by construction activities because the refinements to Preferred Alternative reduced the areas impacted by the proposed interchanges There are no anticipated increases in temporary impacts within the Boise River floodplain caused by the Preferred Alternative's construction activities. The construction activities would be within the 220-foot ROW analyzed in the Discipline Report.

Shining flatsedge (*Cyperus bipartitus*), an Idaho rare species with a state rank of S2 ("monitor"), was not found. This species grows along streambanks and riverine habitats, typically with alkaline soils. Primary habitat in the analysis area for shining flatsedge currently is dominated by reed canarygrass (*Phalaris arundinacea*). The Preferred Alternative would not result in impacts to this species.

TABLE 2
Permanent Impacts to Vegetation/Habitat Types in the Boise River Floodplain for the Preferred Alternative

	Jurisdic	tional Wetland Ha	bitats ^a	Non-we				
	Palustrine Forested Scrub/Shrub Wetland ^a Wetland ^a (Acres) (Acres)		Emergent Wetland (Marsh) (Acres)	Riparian Forest ^a (Acres)	Riparian Scrub/Shrub ^a (Acres)	Irrigated Pastureland (Acres)	Total (Acres)	
Preferred Alternative	1.0	<0.1	4.3	1.2	0.1	19.2	25.8	

^a Jurisdictional status refers to Section 404 of the Clean Water Act. Forest and scrub/shrub habitats on the Boise River floodplain support virtually the same plant species and have the same values for wildlife regardless of their classification as either jurisdictional wetlands under Section 404 or as non-wetland riparian habitats.

Source: CH2M HILL, 2008a.

Threatened and Endangered Species

The USFWS listed slickspot peppergrass (*Lepidium papilliferum*) as Endangered under the ESA. This plant was addressed during the Level-Two Alternative Screening process and concluded (correctly) that there is no suitable habitat for the plant anywhere in the Project area (including all of the original Boise River crossing locations and routes). The Level-Two Alternative Screening results are included in the "Wildlife, Fish, and Vegetation" Discipline Report section addressing sensitive species (CH2M HILL, 2008a).

Slickspot peppergrass occupies "slick spots," which are distinct small openings with a clay subsurface soil horizon in some areas of sagebrush steppe.

This change in the plants status does not affect the original Discipline Report conclusions that there is no suitable habitat for slickspot peppergrass in the Project area and that the species does not occur there. The effects determination for this species is No Effect.

Yellow-billed cuckoos (*Coccyzus americanus*), a Candidate Species for listing under the ESA, will not be impacted by changes to the preferred alternative. This is a change from No Effect because this species is a Candidate Species for listing but it has not been listed.

A draft No Effect Letter to the Federal Highway Administration was provided in the original Discipline Report. It was subsequently determined that this letter was unnecessary, as no Biological Assessment was prepared. As a result, Appendix B in the Discipline Report should be redacted, as it no longer applies.

Bibliography

CH2M HILL. 2009a. "Supplemental Report: Surface Water, Floodplains, and Water Quality." *Idaho 16, I-84 to Idaho 44 Environmental Study*. Prepared for Idaho Transportation Department. Boise, Idaho.

CH2M HILL. 2009b. "Supplemental Report: Wetlands." *Idaho 16, I-84 to Idaho 44 Environmental Study*. Prepared for Idaho Transportation Department. Boise, Idaho.

CH2M HILL. 2008a. "Discipline Report: Wildlife, Fish, and Vegetation." *Idaho 16, I-84 to Idaho 44 Environmental Study*. Prepared for Idaho Transportation Department. Boise, Idaho.

CH2M HILL. 2008b. "Discipline Report: Surface Waters, Floodplains, and Water Quality." *Idaho 16, I-84 to Idaho 44 Environmental Study*. Prepared for Idaho Transportation Department. Boise, Idaho.

CH2M HILL. 2008c. "Discipline Report: Wetlands." *Idaho 16, I-84 to Idaho 44 Environmental Study*. Prepared for Idaho Transportation Department. Boise, Idaho.





United States Department of the Interior

IDAHO FISH AND WILDLIFE OFFICE

1387 S. Vinnell Way, Room 368 Boise, Idaho 83709 Telephone (208) 378-5243 http://www.fws.gov/idaho



DEC 1 4 2009

Joseph Guenther Environmental Planner CH2M HILL 322 East Front Street, Suite 200 Boise, Idaho 83702

Subject:

Idaho Transportation Department Idaho 16—Ada and Canyon Counties, Idaho—

Species List

970.0100 and 970.1500 14420-2010-SL-0100

Dear Mr. Guenther:

The Fish and Wildlife Service (Service) is writing in response to your request for updated information about the potential impacts to endangered, threatened, proposed, and/or candidate species, or designated critical habitat from the proposed Idaho 16 project. This letter updates species list 14420-2009-SL-0356 and provides you with a new number, 14420-2010-SL-0100. You should refer to the new number in subsequent correspondence and documentation.

Non-Federal Lands and Section 7

Section 7 of Endangered Species Act of 1973 (Act), as amended, requires Federal agencies to assure that their actions do not jeopardize any listed species and provides a process for exemption of take for Federal agencies. Although your project is located on non-Federal lands, if there is a Federal action (funding, permitting, or direct action) associated with your project, the Federal agency is required to consult with the Service if the action may affect a listed species. Section 7 regulations also allow for applicants to be involved in the consultation process. For instance, a Federal agency may designate you or another non-Federal entity to represent them in an informal consultation.

The enclosed list fulfills the requirements for a species list under section 7(c) of the Act. If the project decision has not been made within 180 days of this letter, regulations require that you request an updated list. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at

http://www.fws.gov/endangered/consultations/s7hndbk/s7hndbk.htm (last accessed December 9, 2009). Section 7 consultation information specific to Idaho listed species can also be found on the Idaho Fish and Wildlife Office website at http://www.fws.gov/idaho/agencies.htm (last accessed December 9, 2009).



Idaho Transportation Department Idaho 16 Project Joseph Guenther

Bald Eagles

Wintering bald eagles (Haliaeetus leucocephalus) have been documented as occurring in the vicinity of the proposed project. In a decision published in the July 9, 2007 Federal Register, the Service concluded that protections for the bald eagle under the Endangered Species Act of 1973 (Act), as amended, were no longer warranted. Effective August 8, 2007, the bald eagle was no longer included on the list of threatened and endangered species in the lower 48 states pursuant to the Act, and has been removed from all Idaho species lists. The bald eagle continues to be federally protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. The Service has developed National Bald Eagle Management Guidelines (Guidelines) to advise project proponents when and under what circumstances the protective provisions of these Acts may apply to their activities to help avoid violations of the law. The Guidelines and additional information on protection for the bald eagle are available on the Service's web site at: http://www.fws.gov/migratorybirds/baldeagle.htm (last accessed December 9, 2009). The Service is also available to provide technical assistance regarding bald eagle conservation.

If you have any questions about your responsibilities under the Act, or require further information, please contact Bob Kibler at the Idaho Fish and Wildlife Office at (208) 378-5255. Thank you for your continued interest in endangered species conservation.

Sincerely,

Jeffer L. Foss, State Supervisor

Idaho Fish and Wildlife Office

Enclosure



IDAHO TRANSPORTATION DEPARTMENT IDAHO 16 PROJECT ADA AND CANYON COUNTIES, IDAHO SPECIES LIST 14420-2010-SL-0100

LISTED SPECIES

STATUS

Slickspot peppergrass (*Lepidium papilliferum*)

Listed Threatened

PROPOSED SPECIES & PROPOSED/DESIGNATED CRITICAL HABITAT

None

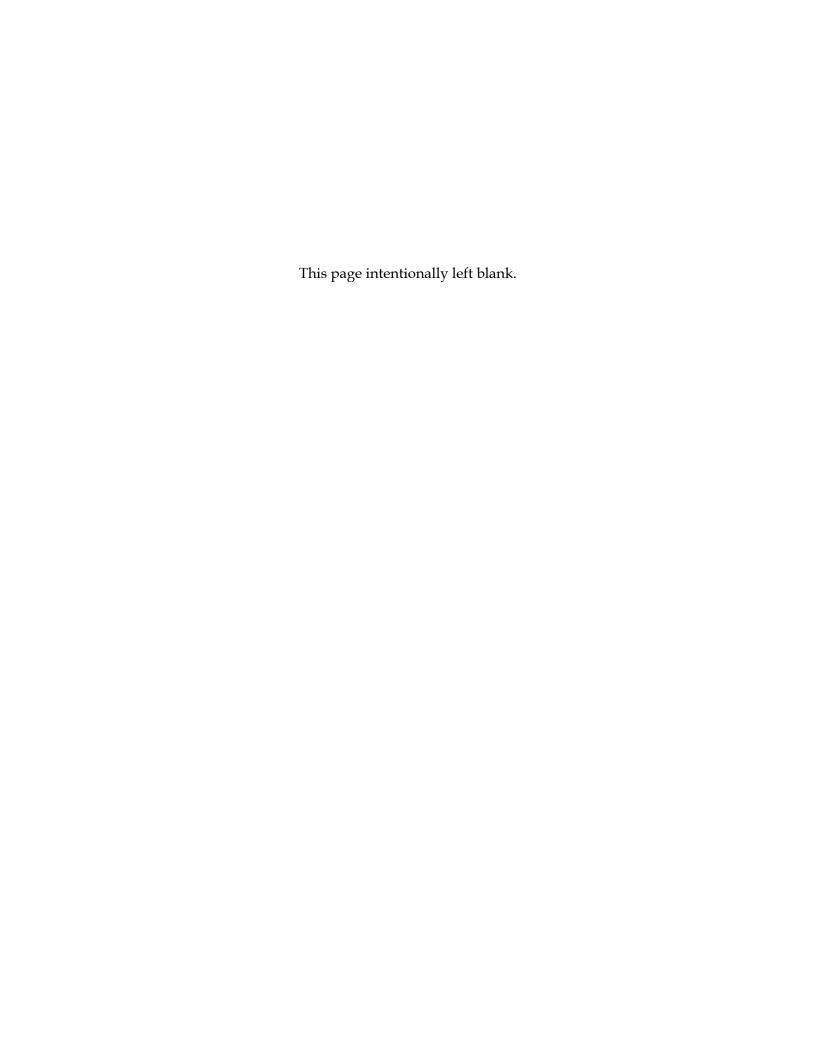
CANDIDATE SPECIES¹

Yellow-billed cuckoo (Coccyzus americanus)

Candidate

Information on the above species and their management can be found on the Environmental Conservation Online System (ECOS) website at http://ecos.fws.gov/ecos_public/index.do (last accessed December 9, 2009) and the Idaho Fish and Wildlife Office website at http://www.fws.gov/idaho/agencies.htm (last accessed December 9, 2009).

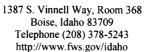
¹Candidate species have no protection under the Act, but are included for your early planning consideration. Candidate species could be proposed or listed during the project planning period, and would then be covered under Section 7 of the Act. The Service advises an evaluation of potential effects on candidate species that may occur in the project area.





United States Department of the Interior

IDAHO FISH AND WILDLIFE OFFICE





Scott Stokes
Acting Director
Idaho Transportation Department
P.O. Box 7129
Boise, Idaho 83707-1129

DEC 3 0 2009

Subject:

Semi-annual Species List Update

912.0000 14420-2010-SL-0091

Dear Mr. Stokes:

The Idaho Fish and Wildlife Office of the Fish and Wildlife Service (Service) is providing you with an updated list of threatened, endangered, proposed, and candidate species that occur in Idaho. This letter updates species list 14420-2009-SL-0356, and provides you with a new number, 14420-2010-SL-0091. You should refer to the new number in subsequent correspondence and documentation. This letter and list are being provided to your agency via electronic mail.

The status of three Idaho species has recently changed under the Endangered Species Act of 1973 (Act), as amended. The specific changes are as follows:

- Slickspot peppergrass (*Lepidium papilliferum*) has been elevated from a proposed species to a threatened species in a decision published in the October 8, 2009, Federal Register. Effective December 7, 2009, Slickspot peppergrass is considered a threatened species under the Act in Ada, Elmore, Canyon, Gem, Owyhee, and Payette Counties, Idaho.
- The Yellowstone Grizzly Bear (*Ursus arctos horribilis*) distinct population segment (DPS) has had its threatened status under the Act reinstated in response to a court remand on September 21, 2009. The Yellowstone Grizzly Bear DPS encompasses Bonneville, Clark, Fremont and Teton Counties, Idaho. Effective September 21, 2009, the Yellowstone Grizzly Bear DPS is considered a threatened species under the Act in Idaho.
- Goose Creek milkvetch (*Astragalus anserinus*) has been listed as a candidate species in Cassia County, Idaho in a decision published in the September 10, 2009, Federal Register. Effective September 10, 2009, Goose Creek milkvetch is considered a candidate species under the Act in Idaho.

The Service is currently developing a web-based system for accessing species list information for Federal, state, and private entities. The Information, Planning, and Consultation System (IPAC System) is a tool for action agencies, their applicants, and other project proponents to use during the initial phases of project development and assessment. The IPAC System will allow users to obtain information on Service trust resources such as threatened and endangered species, critical habitat, refuges, migratory birds, and invasive species. We anticipate launching the IPAC system in the first quarter of 2010. We will provide you with detailed information upon implementation. The system will create project-specific species lists that will meet the regulatory requirements for obtaining a species list from the Service under the Endangered Species Act. When the IPAC System is implemented, it will no longer be necessary for the Idaho Fish and Wildlife Office to provide semi-annual species list updates to our Federal agency partners.

Information about Federal agency obligations under section 7 of the Act has been provided to you in the past. If you would like us to send you any of this information again, or if you have questions, please contact Bob Kibler at (208) 378-5255. If you have questions regarding species under the National Marine Fisheries Service (NOAA Fisheries) jurisdiction, please call (208) 378-5696. Additional information on the section 7 process is also available on the Idaho Fish and Wildlife Office website at http://www.fws.gov/idaho/agencies.htm (last accessed December 9, 2009). Thank you for your continued interest in the conservation of threatened and endangered species.

Sincerely,

Jeffery L. Foss, State Supervisor

Rumll R. Holde for

Idaho Fish and Wildlife Office

Attachments (2)

U.S. Fish and Wildlife Service • Idaho Fish and Wildlife Office

LISTED, PROPOSED, AND CANDIDATE SPECIES & DESIGNATED AND PROPOSED CRITICAL HABITAT IN IDAHO 1

7 8	Yellow-billed Cuckoo		1		1	>	>	>		>	1	>	>
pecies	Southern Idaho Ground Squirrel			>	3 13			>			>		>
late Si	Goose Creek milkvetch												
Candidate Species	Columbia Spotted Frog		1000							^			
0	Christ's Paintbrush		(4) (A) (A) (A) (A) (A) (A) (A) (A) (A) (A		10/3								
	Bruneau Hot Springsnail				机器					^			
ates	Banbury Springs Lanx					-							No. of the last of
Invertebrates	Bliss Rapids Snail						>					ı	
Inv	Snake River Physa Snail						>			>			
	lian2 ataviaV datU							565		,			
	Spalding's Catchfly								1		100		
	Ute Ladies'- Tresses				を開き				No.				
Plants	Water Howellia										No.		TO THE
	Slickspot Slickspot		>			>	>	>		>	>		
	MacFarlane's Four- O'Clock								1				
	Steelhead Trout			5					13			5	
	Fall Chinook Salmon			5			The state of the s		2				
Fish	Spring/Summer Chinook Salmon			5					3			5	
	Sockeye Salmon				THE REAL PROPERTY.				5	-			
	Bull Trout		>	5	>		>	>	>	>	>	>	5
	Kootenai River White Sturgeon		a de la companya de l										
	Canada Lynx			>	>		1		>			>	
Mammals	Northern Idaho Ground Squirrel			>					3			>	>
Man	Grizzly Bear										100		200
	Selkirk Mountains Woodland Caribou				No. of Lot, Line o		2000		The same of		1		10000
	Species List Update 1420-2010-SL-0091	District 3	Ada	Adams	Boise	Canyon	Elmore	Gem	Idaho	Owvhee	Payette	Valley	Washington

2 Candidate species have no protection under the Act, but are included for your early planning consideration. Candidate species could be proposed or listed during the project area; this may expedite section 7 consultation under the Act should the species become listed.

3 Designated Critical Habitat in addition to species presence

Idaho Fish and Wildlife Office, Boise, ID, 208-378-5243, http://www.fws.gov/idaho Eastern ID Field Office, Chubbuck, ID, 208-237-6975, Northern ID Field Office, Spokane, WA, 509-891-6839 2 of 5 12/31/09



U.S. Fish and Wildlife Service

Threatened, Endangered, Candidate and Delisted Species: Idaho



MAMMALS

Selkirk Mountain caribou (Rangifer tarandus caribou): Endangered

Grizzly bear (*Ursus arctos horribilis*) Threatened

Northern Idaho ground squirrel (Spermophilus brunneus brunneus): Threatened

Canada lynx (*Lynx canadensis*): Threatened; Designated Critical Habitat

FISH

Kootenai River white sturgeon (Acipenser transmontanus): Endangered; Designated Critical Habitat

Bull trout (Salvelinus confluentus): Threatened coterminous listing; Designated Critical Habitat

Under NOAA Fisheries jurisdiction: Sockeye salmon (Oncorhynchus nerka): Endangered

Spring/Summer chinook salmon (Oncorhynchus tshawytscha): Threatened

Fall chinook salmon (Oncorhynchus tshawytscha): Threatened

Steelhead trout (Oncorhynchus mykiss): Threatened

PLANTS

MacFarlane's four-o'clock (Mirabilis macfarlanei): Threatened

Water howellia (Howellia aquatilis): Threatened

Ute ladies'- tresses (Spiranthes diluvialis): Threatened

Spalding's catchfly (Silene spaldingii): Threatened

Slickspot peppergrass (Lepidium papilliferum): Threatened

INVERTEBRATES

Utah valvata snail (Valvata utahensis): Endangered

Snake River physa snail (Haitia (Physa) natricina): Endangered

Bliss Rapids snail ($Taylorconcha\ serpenticola$): Threatened

Banbury Springs lanx (Lanx sp.): Endangered

Bruneau hot springsnail (Pyrgulopsis bruneauensis): Endangered

BIRDS

None listed currently in Idaho

DELISTED SPECIES	CANDIDATE SPECIES
Bald eagle (Haliaeetus leucocephalus)	Christ's paintbrush (Castilleja christii)
Idaho springsnail (Pyrgulopsis idahoensis) Gray Wolf (Canis lupus)	Columbia spotted frog (Rana luteiventris) Great Basin population
Northern Rocky Mtn Population	Southern Idaho ground squirrel (Spermophilus brunneus endemicus)
	Yellow-billed cuckoo (Coccyzus americanus)
	Goose Creek milkvetch (Astragalus anserinus)